

LAW OFFICES
WESTON, GARROU & MOONEY
A PARTNERSHIP OF PROFESSIONAL BUSINESS ENTITIES

JOHN H. WESTON^{1‡}
G. RANDALL GARROU^{1‡}
JEROME H. MOONEY^{1,40}
MARK P. BINDER^{1‡}
REBEKAH FRUSHTICK^{1,2}

12121 WILSHIRE BOULEVARD
SUITE 525
LOS ANGELES, CALIFORNIA 90025
FAX (310) 442-0899
(310) 442-0072

SALT LAKE CITY
50 WEST BROADWAY
SUITE 300
SALT LAKE CITY, UT 84101-2006
(801) 364-5635

¹ ADMITTED IN CALIFORNIA

² ADMITTED IN ILLINOIS

⁴ ADMITTED IN UTAH

[‡] A CALIFORNIA PROFESSIONAL CORPORATION

⁰ A UTAH PROFESSIONAL CORPORATION

August 7, 2018

MEMO ENDORSED

Hon. William H. Pauley, III, U.S.D.J.
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

Filed electronically in Action No. 3

Re: **MLB Associates, Inc., etc. v. City of New York, et al.,**
Case No. 02 CV 4431 (WHP) ("Action No. 1")

59 Murray Corp., etc., et ano. V. City of New York, et al.,
Case No. 02 CV 4432 (WHP) ("Action No. 2")

Club at 60th Street, et al. v. City of New York
Case No. 02 CV 8333 (WHP) ("Action No. 3")

336 LLC v. City of New York
Case No. 18 CV 3732 (WHP) ("Action No. 4")

***Unopposed and Agreed Upon Request to Modify Schedule for Briefing and Hearing on
Plaintiffs' Motions for Preliminary Injunction***

Dear Judge Pauley:

I write on behalf of Plaintiffs' counsel in all of the four above-referenced related actions ("the Actions"), who, with the concurrence of counsel for the City, and subject to the approval of the Court, have, in part because of a medical issue with one of Plaintiffs' counsel, agreed upon a revised schedule for the dates for briefing and hearing Plaintiffs' preliminary injunction motions and for Defendants to respond to Plaintiffs' complaints, and respectfully move the

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Court for an Order adopting this proposed revised schedule.

Per this Court's Scheduling Order of June 19, 2018 filed in each of the Actions, the **current** schedule set by the Court is as follows:

Briefing Schedule

- (1) Plaintiffs in the Actions shall file motions for preliminary injunctions by August 24, 2018;
- (2) Defendants in the Actions shall file both their opposition briefs and their response to Plaintiffs' complaints by October 4, 2018;
- (3) Plaintiffs in the Actions shall file reply briefs by October 29, 2018;
- (4) The parties shall advise this Court whether they believe an evidentiary hearing is necessary by October 29, 2018; and
- (5) The parties shall appear for oral argument on November 16, 2018 at 10:30 a.m.

The agreed to and *proposed* revised schedule is as follows:

Briefing Schedule

- (1) Plaintiffs in the Actions shall file motions for preliminary injunctions by October 1, 2018;
- (2) Defendants in the Actions shall file both their opposition briefs and their response to Plaintiffs' complaints by November 20, 2018;
- (3) Plaintiffs in the Actions shall file reply briefs by December 28, 2018;
- (4) The parties shall advise this Court whether they believe an evidentiary hearing is necessary by December 28, 2018; and

Hearing Date:

Subject to the Court's availability, the parties request that oral argument be set on either January 24, 29 or 30, 2019 (or such other time thereafter as may be convenient for the Court).

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We thank the Court for its consideration.

Respectfully,

WESTON, GARROU & MOONEY

By

s/JOHN H. WESTON

Lead atty. for Plaintiffs in Case # 3

LRG8551

cc via email:

Erica Dubno, Esq. (Action no. 4)

(all other counsel receive copy via ECF)

Application granted. This Court adopts the briefing schedule proposed herein. The oral argument currently scheduled for November 16, 2018 is adjourned to January 24, 2019 at 10:00 a.m.

SO ORDERED:



WILLIAM H. PAULEY III
U.S.D.J.

8/7/18